

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 93-472-C - ORDER NO. 94-645 ✓
JULY 8, 1994

IN RE: Application of STS Networking Systems, Inc. d/b/a Scott Communications for a Certificate of Public Convenience and Necessity to provide Store and Forward Telecommunications Services in South Carolina.)	ORDER GRANTING
)	PETITION TO
)	INTERVENE OUT
)	OF TIME,
)	GRANTING
)	REHEARING
)	AND STAYING
)	PREVIOUS ORDERS

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of two Petitions. The first one is a Petition for Rehearing or Reconsideration of Order No. 94-540 filed by Southern Bell Telephone and Telegraph Company (Southern Bell) on June 20, 1994. On June 22, 1994, the South Carolina Telephone Coalition (SCTC) also filed a Petition for Leave to Intervene Out of Time and for Rehearing or Reconsideration of Order No. 94-368 and Order No. 94-540.

On July 28, 1993, STS Networking Systems, Inc. d/b/a Scott Communications filed with the Commission an Application seeking a Certificate of Public Convenience and Necessity to provide store and forward telecommunications service on an intraLATA and interLATA basis in South Carolina. By letter dated August 11, 1993, the Commission's Executive Director instructed STS to publish a prepared Notice of Filing in newspapers of general circulation in the areas affected by the Company's Application. STS submitted an

affidavit indicating that it had published the Notice of Filing in The State newspaper. The Commission received Petitions to Intervene from Southern Bell, the Consumer Advocate for the State of South Carolina (the Consumer Advocate), and Peoples Telephone Company (Peoples).

On March 16, 1994, the Commission held a public hearing in this matter. On May 4, 1994, the Commission issued Order No. 94-368 which granted STS the authority to provide "0+" collect store and forward service on an intraLATA and interLATA basis but denied STS the authority to provide local and "0+" credit card store and forward service on an intraLATA and interLATA basis. On May 19, 1994, STS filed a Petition for Rehearing and/or Reconsideration on behalf of STS and Peoples. The Commission granted STS's request for reconsideration, and on June 9, 1994, the Commission issued Order No. 94-540 which reversed Order No. 94-368 in part and granted STS authority to also provide "0+" credit card store and forward service on an intraLATA and interLATA basis. Southern Bell's and the SCTC's Petitions followed the issuance on Order No. 94-540.

The SCTC's Petition states that the members of SCTC are local exchange carriers operating within the State of South Carolina and that they stand to lose certain revenues as a result of the Commission's decisions issued in Order No. 94-368 and Order No. 94-540. SCTC contends that it did not receive appropriate notice of this proceeding as publication of notice one time in The State newspaper was insufficient to afford the SCTC and all of its members sufficient notice. In support of this contention, SCTC

submits that The State is not a paper of general circulation throughout South Carolina as there is little or no home delivery in certain areas of South Carolina. By way of example, SCTC states that The State is not available at newspaper racks in Chesnee nor is there home delivery of The State in Rock Hill and that both Chesnee Telephone Company and Rock Hill Telephone Company are SCTC members.

SCTC further states that if it or the SCTC members had received appropriate notice of this proceeding at an earlier time that SCTC and/or its members individually would have intervened in the proceedings to protect their interests. Therefore, SCTC petitions the Commission for Leave to Intervene Out of Time.

The Commission has considered this matter and believes that proper notice was not afforded. The Application seeks authority to operate in the entire State of South Carolina. Notice was published in The State newspaper which the Commission believes, and so finds, does not afford notice for the entire state. Therefore, the Commission holds that the notice was insufficient as to certain SCTC members and grants the Petition for Leave to Intervene Out of Time filed by SCTC.

As the Commission has granted the Petition for Leave to Intervene Out of Time, the Commission concludes that a new hearing must be provided in this Docket. Therefore, SCTC's request for Reconsideration of Order No. 94-368 and Order No. 94-540 and Southern Bell's Petition for Reconsideration of Order No. 94-540 are rendered moot as the entire matter will be considered on rehearing. Furthermore, the Commission believes that fairness to

all parties dictates that the Commission should stay Order No. 93-368 and Order No. 94-540 until such time as the Commission re-examines this matter after the new hearing and issues a new Order.

IT IS THEREFORE ORDERED THAT:

1. SCTC's Petition for Leave to Intervene Out of Time is granted.
2. STS shall renote its Application in newspapers of general circulation throughout the state.
3. A new hearing shall be held in this matter after proper notice is afforded.
4. Order No. 94-368 and Order No. 94-540 are stayed until further Order of this Commission.
5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Deputy Executive Director

(SEAL)